

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 22, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN E. OROZCO,

Plaintiff,

v.

YAKIMA SHERIFF'S OFFICE;

YAKIMA COUNTY; SERGIO REYNA

and JANE DOE REYNA; JOHN

DUGGAN and JANE DOE DUGGAN;

and J. TOWELL AND JANE DOE

TOWELL,

Defendants.

No. 1:22-CV-03058-SAB

**JURY TRIAL SCHEDULING
ORDER**

**JURY TRIAL SCHEDULED FOR
JUNE 17, 2024**

A video scheduling conference was held in the above-captioned matter on September 22, 2022. Jesse Valdez appeared on behalf of Plaintiff. John E. Justice appeared on behalf of Defendants.

The Court has reviewed the parties' Joint Status Report, ECF No. 15, has heard from counsel, is fully informed, and orders the following schedule for jury trial in this matter.

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JURY TRIAL SCHEDULING ORDER *1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 **PROFESSIONALISM AND COURT-ASSISTED MEDIATION**

3 **1. Civility and Professional Conduct.** Counsel should review and
4 employ Local Rule 83.1 (Civility) and Washington Rule of Professional Conduct
5 3.4 (Fairness to Opposing Party and Counsel).

6 **2. Scheduling Order is Binding.** Rule 16(f) of the Federal Rules of
7 Civil Procedure provides for sanctions for failure to obey the Scheduling Order.
8 The Court will usually accept stipulations to modify the dates specified in this
9 Order, but modifications of pretrial deadlines may also result in a modification of
10 the trial date.

11 **3. Settlement Conference/Mediation.** The parties are encouraged to
12 engage in settlement negotiations as early as possible and should contact the Court
13 if they believe a settlement conference would be helpful. The Court will require
14 parties to engage in mediation prior to trial, unless good cause is shown that
15 mediation is not possible or will be unproductive.

16 **TRIAL DATES**

17 **4. Jury Trial.** The jury trial shall commence on **June 17, 2024**, at **9:00**
18 **a.m.** in **Yakima**, Washington. The trial is estimated to last eight to ten days.

19 **5. Pretrial Conference.** An in-person pretrial conference will be held on
20 **June 5, 2024**, at **1:30 p.m.** in **Yakima**, Washington.

21 **DISCOVERY DEADLINES**

22 **6. Initial Disclosures.** The parties indicated they have completed initial
23 disclosures.

24 **7. Expert Disclosures.**

25 *A. Initial Expert Disclosures.* Each Party shall identify its experts and serve
26 written reports as required by Rule 26(a)(2) on all other parties no later than
27 **October 13, 2023**. Each Party shall also provide dates for which those experts can
28 be available for deposition.

1 *B. Rebuttal Expert Disclosures.* Each Party shall identify its rebuttal experts
2 and serve written reports as required by Rule 26(a)(2) on all other parties no later
3 than **December 1, 2023**. Each Party shall also provide dates for which those
4 experts can be available for deposition.

5 *C. Modifications.* The parties may modify the deadline for exchange of
6 expert disclosures by joint stipulation filed with the court; a motion is not required.

7 **8. Discovery.**

8 *A. Discovery Limitations.*

9 *i. Depositions.* No more than ten depositions, each limited to seven
10 hours in one day, may be taken by the plaintiffs, defendants, or third-party
11 defendants without leave of the Court. Fed. R. Civ. P. 30(a)(2), (d)(1).

12 *ii. Interrogatories.* No party may serve more than twenty-five
13 interrogatories, including discrete subparts, on any other party, without leave of the
14 Court. Fed. R. Civ. P. 33(a)(1).

15 *iii. Requests for Production.* No party may serve more than thirty
16 requests on any other party without leave of the Court.

17 *B. Discovery Deadline.* All discovery shall be completed on or before
18 **January 29, 2024**.

19 *C. Responses.* To be timely, discovery requests must be served sufficiently
20 in advance of the deadline to allow for timely response by the cutoff date.

21 *D. Necessity.* The parties shall file no discovery except as necessary to
22 support motions or objections.

23 *E. Discovery Conferences.* To avoid wasted time and expense, Counsel may
24 contact chambers to schedule a telephonic conference to obtain an expedited ruling
25 on discovery disputes. Prior to the conference, each party may submit to the Court
26 a one-page summary explaining the discovery dispute. The Court will schedule a
27 conference to occur within 2–3 days of the initial request. Absent very unusual
28 circumstances, the parties should not contact the Court during a deposition.

1 Instead, during a deposition, the parties should make an appropriate record for
2 review by the Court at a later time.

3 **MOTION DEADLINES**

4 **9. Motions to Amend Pleadings or Add Parties.** Any motion to amend
5 the pleadings or add named parties shall be filed and served by **November 20,**
6 **2023.**

7 **10. Daubert Motion Deadline.** Challenges to the admissibility of expert
8 opinion testimony shall be made by written motion and filed by **December 8,**
9 **2023.** If the party challenging expert testimony anticipates that an evidentiary
10 hearing shall be required, the party shall so advise the Court and opposing counsel
11 in conjunction with the filing of its motions.

12 **11. Dispositive Motions.** All dispositive motions shall be filed and served
13 on or before **February 6, 2024.**

14 **12. Motions *in Limine*.**

15 *A. Motions in Limine:* shall be filed and served on or before **May 6, 2024.**

16 *B. Responses:* shall be filed and served on or before **May 13, 2024.**

17 *C. Replies:* shall be filed and served on or before **May 20, 2024.**

18 *D. Notation:* Motions *in limine* shall be noted for hearing at the pretrial
19 conference.

20 **TRIAL PREPARATION DEADLINES**

21 **13. Exhibit and Witness Lists.**

22 *A. Exhibit Lists and Witness Lists:* shall be filed and served and exhibits
23 made available for inspection (or copies provided), on or before **May 13, 2024.**

24 *B. Identification:* The witness list shall include identification of each
25 witness's testimony.

26 *C. Notation of Exhibits:* Where feasible, all exhibits identified in depositions
27 shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's
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trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

D. *Objections*: Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **May 20, 2024**.

E. *Responses*: Responses, if any, to objections shall be filed and served on or before **May 28, 2024**.

14. Pretrial Exhibit Stipulation.

A. *Stipulation*: The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

B. *Deadline*: The pretrial exhibit stipulation shall be filed on **May 28, 2024**.

C. Objections to witness and exhibits shall be heard at the pretrial conference.

15. Designation of Testimony.

The parties shall notify the Court on or before **May 6, 2024** whether deposition testimony will be used at trial. The Court will then schedule a hearing to review all designated testimony and objections so that a final edited version of the deposition testimony can be prepared for trial.

16. Pretrial Order.

A. *Deadline*: A joint Pretrial Order, prepared in accordance with the format provided in Local Rule 16.1(b), shall be filed on or before **May 28, 2024** and a copy e-mailed in Word format to the Court at BastianOrders@waed.uscourts.gov.

B. *Consistency*: The list of exhibits contained in the joint Pretrial Order shall reflect the exhibit marking scheme described above.

1 *C. Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties
2 shall confer regarding duplicate exhibits and determine which party will submit
3 such exhibits for trial.

4 **17. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall
5 be filed by **May 23, 2024**.

6 **18. Jury Instructions.** No later than **May 23, 2024**, the parties shall file
7 jointly proposed jury instructions.

8 *A. Confer.* The parties shall confer regarding jury instructions and file
9 jointly proposed jury instructions and a table of proposed Jury Instructions. The
10 jointly proposed Jury Instructions should address only issues that are unique to this
11 case and shall include instructions regarding the elements of each claim, any
12 necessary definitions, and a proposed verdict form.

13 *B. Modifications.* If any proposed instruction is a modified version of model
14 instructions or deviate from model instructions, the parties shall identify the
15 modification and cite legal authority for the modification.

16 **19. Submissions on the First Day of Trial.** The Court requires that the
17 following be submitted to the courtroom deputy clerk on the first day of trial:

18 *A. Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed
19 by exhibit number with exhibit tags placed consistently on the bottom right corner
20 of each exhibit. Counsel shall submit to the Court an original binder and two
21 copied binders of their exhibits together with three discs or flash drives containing
22 the same.

23 *B. Exhibit List.* One copy of a final joint exhibit list.

24 *C. Witness List.* One copy of witness lists in the order in which the witnesses
25 are expected to be called to testify.

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MODIFICATIONS

20. Good Cause. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 22nd day of September 2022.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge